App. F. IX-4

1928-29

File No. 26-28

Previous References (R. A.)

Serial Nos.

Later References

R.A.H.C.&I/38-33.

PP 32-37-5-6

General and Revenue Secretariat.

Serial Nos. One

P 258-E. V **Part B for** January 1929

SUBJECT

Oath or affirmation of allegiance to His Highness the Maharaja by the Members of the Representative Assembly.

To

The Compiler, Mysore Gazette.

No. Rel. 193- of 9th January 1929.

Prescribes rules re. —— and forwards a notification in respect of the same for publication in the Gazette.

L. Sampangiyengar
30-1-29

C.B. Dis 0 Qu-27

D. 162
Rec

CB 1339(a)

18. This Council recommends to the Government of His Highness the Maharaja that the rules framed under the Legislative Council Regulation be amended by providing for an oath of allegiance to our Sovereign being taken by all members of the Legislative Council on their first entry thereinto.

MOVER.—**Mr. M. Ramachandra Rao Sindia.**

Submitted for orders.

DWN.
19.2.27.

Are there no previous references to this Question? If not, the C.B. may be consulted

19/2

Subd.

There are no references in this Branch. This may be forwarded to the C.B. as proposed.

DWN
19-2-27

the Supdt C.B.
with Compliments.

19/2/27

The file prescribing the form of affirmation to be made by Members of Council to Judges of the Sub Court is sent (C B 161. Vol II).

In the case of the British Indian Leg Council Members a similar ceremony is laid down (Vide para 2 of the Dewan's Order dt 18/5/1916 in the above file.)

Copies file returned in C.B

CB 1339(a)

hm
19/4/27

C. B. 1926

G. R. S. III-2]

General and Revenue Secretariat.	File No.	of 19

Serial No.

1) Extract from the statement of promises made at the Legislative Council meeting held in Feb. 192[illegible] received on 17th June 1927.

...

2) Subject.- Resolution moved by Mr. Ramachandra Rao Sindia re: Provision for the Oath of Allegiance being taken by all the members of the Legislative Council.

---

3) " The Resolution was accepted by Government

4) The appointment of Leg Council Members is dealt with in the Leg C.t. Secrt. & so this question also may be dealt with in that Secretariat.

5) Previous papers on the subject have been sent to the Secy, L.C on 14-6-27.

6) Submitted
Now
18/6/27.

7) Secy. Legislative) 18/6

8/6 18/6.

8) Reference is invited to pages 140 to 155 of the Proceedings of the Legislative Council, February

NOTE—Contn sheet.

Serial No.

1927 containing the discussions on the subject. The resolution was accepted by Govt.

9) The form in which the oath or affirmation is made by a member of the Indian Legislative Assembly is referred to on pages 141 & 142 of the proceedings. Reference is also invited to the form in which the affirmation oath is taken by the members of the Executive Council. The following form of affirmation of allegiance to His Highness the Maharaja by the members of the L.C. is

9

proposed for approval:—

10) "I, A. B., having been elected (or nominated) a member of ~~this Council~~ the Mysore Legislative Council, do solemnly affirm (or swear) that I shall be faithful and bear true allegiance to His Highness the Maharaja, and that I shall faithfully discharge the duties of the office upon which I am about to enter."

11) When the form is approved, it will have to be incorporated as a standing order for the conduct of business and procedure to be followed in the Council.

12) Submd for orders

NOTE—Contn. sheet.

18/6/27

18.6.27.

WD 2293—GPB—10,000—4-5-27

3) (4

13. Resolution No. 3 moved by Mr. M. Ramachandra Rao Sindia during the last February Session of the Legislative Council runs as follows:--

"This Council recommends to the Government of His Highness the Maharaja that the rules framed under the Legislative Council Regulation be amended by providing for an oath of allegiance to our Sovereign being taken by all members of the Legislative Council on their first entry thereinto".

14. During the course of the discussion, Sir K.P. Puttanna Chetty said as follows:-

"The matter, if I remember right, was discussed at some length by the Seal Committee of which I was a member. But I do not remember the decision arrived at by that Committee!

15. To this, Mr. Md. Abbas Khan stated that the question was discussed and it was thought not advisable to introduce it.

16 In the concluding remarks, the President observed as follows:--

"The question is whether the formality of an oath of allegiance should be gone through or not.

"As regards loyalty, there is absolutely no doubt about it. Whether this formality should be gone through as in constitutional bodies elsewhere is the point for consideration."

17 The question now is whether the matter should be referred to the Committee recently appointed to suggest remedies for the existing defects in the R.A. & L.C. rules and procedure, or whether provision should be made in the rules or Standing Orders under the Legislative

Council Regulation. If such a provision is however to be made, now the further question arises as to whether the matter may be embodied as a rule or as a Standing Order under the Legislative Council Regulation.

8. Section 6 (1) of the Legislative Council Regulation empowers Government from time to time to make rules not inconsistent with this Regulation to carry out all or any of the purposes of this Regulation. Clause (2) (e) of the same section provides for rules being made regarding qualifications for being and for being nominated or elected as a member of the Council. This clause seems to empower Government to frame a rule requiring as one of the qualifications of being a member of the Legislative Council ~~and~~ that he should take the oath of allegiance to His Highness the Maharaja of Mysore, and a rule may be made to the following effect:--

"Every person who is elected or nominated to be a member of the Legislative Council shall, before taking his seat, make, at a meeting of the Legislative Council, an oath or affirmation of his allegiance to His Highness the Maharaja of Mysore in the following form:--

"I, A.B. having been elected (or nominated) a member of this ~~Assembly~~ Council, do

solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Highness the Maharaja, his heirs and successors and that I will faithfully discharge the duty upon which I am about to enter*.

If any person having been elected or nominated fails to make the oath or affirmation prescribed by Rule .... within such time as the Government of His Highness the Maharaja consider reasonable, the Government shall by notification in the Official Gazette declare his seat to be vacant."

19. Section 8, Clause(1)provides for the Legislative Council to make from time to time standing orders for the conduct of business and the procedure to be followed in the Council in so far as these matters are not provided for by rules made under this Regulation and so as not to be inconsistent with such rules. The first Standing Orders shall be made by the Government, but they may be altered by the Council subject to the assent of the Government. (2) Any standing order made as aforesaid which is repugnant to the provision of any rules made under this Regulation shall, to the extent of such repugnancy, but not otherwise, be void"

page 58 Vol I

20. Under Notification P. 4349/Legis. 13-23-24 dated 5th February 1924, Govt.

Re: Oath of allegiance)

D. 1771

20-6-27

of His Highness the Maharaja of Mysore made standing orders for the conduct of business and procedure to be followed in the Council. Part (iii) of these Standing Orders provides for the course of business. Standing Order 13 prescribes the course of business at the commencement of the meeting of the Council. If the procedure to take the oath of allegiance has to be observed at the meeting of the Council, taking oath perhaps has to be the very first one.* Therefore, this ought to be provided for as the first item under standing order 13. It is therefore submitted that standing order 13 has to be amended and a standing order can be amended only by the Legislative Council subject to the assent of Govt. under Section 8, clause (1). Government have no doubt power under section 6 clause (1) to frame rules for the conduct of business and they have as a matter of fact framed rules under Notification No. 4347/ Legis. 13-23-22 dated 5th February 1924 but whether Government can frame a rule and modify by such a rule a standing order made by the Council is for consideration. Whereas section 8 says that a standing order cannot be repugnant to a rule, it does not say that a rule can modify a standing order. On the other hand, it clearly says that a standing order can be altered by the Council with the assent of Government.

21) Submitted for orders.

ch: Leeg) 20/6

* Pl. see page 196 Bombay Legislature page 48 Vol II

Re: Oath of Allegiance (17) (87).

F. III—2]

General and Revenue Secretariat.

REV. I 57/7/27 File No.

1926 of 192 .

Serial No.

The forms of oath received from the Madras Govt is also put up

this 22/6/27

MS

CHIEF SECRETARY. - 5 JUL 1927

22) To Secy Legi Dept — with Compliments

MS 20/6.

23) Brought to the notice of the Dewan & Councillors at a meeting of the Council on 21.6.27. The trend of opinion was that it should be deferred —

Chief Secy with Compts

8-9 4.7

MS 5/7

Dewan)

24) Yes, at the next time, but the question should be taken up now & something done before the ~~adjournment of~~ adjournment of L.C. & L.A. meetg. Draft may be put up for Consn, in Consultation with Sri B. Seal.

MS 6/7

DEWAN'S OFFICE. Received on 6 JUL. 1927 Reg. No. 9.07

25) To Secy, Law Dept

MS 7/7.

Sd 7/7

Sd 7.7

Sir P.S.R

OFFICE OF THE SECRETARY 7 JUL 1927 DEPARTMENT

NOTE—Contr. sheet.

WD 2293—GPB—10,000—4-5-27

26. I. An oath of allegiance to the sovereign on the part of a member of the Legislature is based on the relation of the sovereign to the law-making power, and is also a token of this sovereign status. And this holds good in all forms of Polity, these latter differing only as regards the organ of the sovereign power. The historic origin of this oath need not detain me here. I am now speaking of its constitutional import.

27. Two other considerations support this practice of administering an oath :--

(1) the privileges and immunities enjoyed by members of a Legislature in constitutional governments throw upon such members an added responsibility over and above that attaching to the ordinary civic status, and this is secured by the oath of allegiance

(2) where there is this specific oath of allegiance, treason or lese majestas, in the case of a member of a legislative body, acquires the odium that is attached to a violation of the moral law. The legal sanction is thus reinforced by a primary moral sanction.

28. It will be seen that considerations similar to (1) and (2) apply, in the juridial sphere, to the oath administered to a witness in a court of law.

29. II. The question in this particular reference does not seem to be complicated by any ulterior considerations, as it relates only to internal sovereignity, and as the legislative body concerned is confined in its scope to matters pertaining to internal legislation.

30. III. The form of the oath as suggested appears to me to be unobjectionable.

B. Seal

Bangalore,
Dated the 19th July 1927

Serial No.

33) Submitted for orders with reference to para 24 above.

BVN.
20.7.27.

20/7

32) Seen

33) Putting it
20/7.

34) Subld for orders with a draft G.O. as personally directed.

BVN.
23.7.27.

35) The draft ordered to be put up for consideration by the Dewan (vide par. 24 of the notes) is already contained in par. 18 of the notes and the same has been declared to be unobjectionable by Sir Brajendranath Seal (vide par. 30 of the notes).

36) Kind reference is invited to par. 19 of the notes where the question whether the amendment should be made by a standing order or rule has been discussed and submitted for orders. If the amendment is to be by a standing order (for the Course of business is guided by Standing Orders — vide page 59. Vol II of the Manual) a motion for amendment will have to be made at the next Session of the L.C. In the meantime a G.O. accepting the principle of making an oath or allegiance by all new members at the time of taking their seats for the first time is put up for approval or other orders..

28/7/27

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

Serial No.

37) Put up a draft Q. of rule.

38) As regards the question whether Standing order 13 prescribing the procedure to be followed after the President takes the chair, should be so modified as to admit of including in the item of business of taking oath by a new member, it is necessary I am of opinion that S. O. 13 should be modified so as to give effect to the rule to be framed.

39) Next question for consideration is whether the Govt has power to modify any Standing order.

40) Under Sec 8, the Govt have been given power to make the first Standing orders but they may be altered by the Council subject to the assent of the Govt.

41) As this will mean alteration in the Standing orders made by the Govt, S. O. 13 has to be altered by the Council under Sec 8.

44) Hence the proposed amendment of Standing order 13 may perhaps be placed before the next meeting of L. C.

43) Please put up a draft of amendment of S. O. 13. L

Re-submitted

OFFICE OF THE SECRETARY
6 AUG 1927
LEGISLATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

Serial No.

44) Three drafts are submitted for approval or other orders. The first is a draft G.O. accepting the practice of making an oath of allegiance. The amendment to standing order No 13 is drafted in the form of a motion to be placed before the Council. Revision of the rules is contained in the third draft.

10.8.27

45) The draft G.O. is held. It may refer to the views of the opinion at the discussion, the result of the motion etc.. Please revise.

12/8

Mr P.S.R 13.8.27

8/8 13.8.27

46) The G.O has been revised and submd along with the other two drafts already put up.

16.8.27

Submd.

47) The procedure for the modification of any standing order or orders is given on pages 69 + 70 of the Second Volume of the R.A. and d.c. Manual.

48) The first thing to be done is the moving of the necessary amendment at the NEXT (A) MEETING of the Legis. Council. After it is passed by the Legis. Council then the necessary notification has to be issued by Govt

49) Whether a Govt. order is necessary and if a G.O. is considered necessary when it should not issue only after the amend....

NOTE—Contn. Sheet

Serial No

is formally passed by the d.c., appraising of the amendment, is for order. The draft G.O. now put up prescribes the form and says that the necessary amendment will be placed before the d.c. of a G.O. is decided upon perhaps the form may not be prescribed now. Two other drafts are also put up.

19.8.27.

50) Subd as the a draft revised by G.G as personally instructed.

29.8.27

29.8.27

51) Typed draft subd as personally directed on 17th instant

19.9.27

52) Please type the drafts as further revised.

21/9

53) Draft G.O & rules Subd for consideration.

54) Re amending standing order, it is submitted that the order of business prescribed in the Bombay Manual may be adopted. Drafts subd

(Sd Ghulam Beg)

21/9

G. Ch. 1
24.9.29 App. F. III—2]

General and Revenue Secretariat. | File No. of 192 .

Serial No.

DEWAN'S OFFICE.
Received on
Reg. No. 2302

55) The drafts put up may be approved. But two points appear to me to require some little consideration.

(1) Should the Oath be necessarily taken at a meeting of the Council.-

This is the usual practice. But there is nothing to prevent other arrangements being made. For instance, the members may go before the Secretary and take the Oath or make the affirmation there. This would save time, especially when a Council is newly constituted.

(2) Should the Oath be taken only by the non-official members or by both the non-official and the official members. -

In British Indian Legislatures, I believe both they take the Oath of Allegience. Perhaps the same practice may be followed here.

(This matter is an important one and has not been submitted to His Highness.)

2592/25/9

yet

First member
Dewan.

RB 23/9

56) It would be useful to know whether there is any such practice of taking the oath except before the President; or of officials not taking it.

I think the oath has to be before the President (or a Vice President) but may be a little earlier if need be to save time. & that officials have also to take it. As the members of Council take the oath on entering on their duties whether they should do it again for the particular duty has to be considered

23/9

NOTE—Contn. sheet

WD 0321—GPE—60,000—21-5-27

57) Dewan

Cc
25/9. 27.9.

WD 01264—GPB—40,000—17-12-25
App. F. III—2]

General and Revenue Secretariat | File No. | of 192 .

Serial No.

58) May be brought up at a meeting of Council.

59) What about the R. C. Members? Can they not be take the oath? It will not do to make any distinction between these two Constituent bodies in this respect.

31-10-27

1.11.27

1.11.27

Endorsement

NOTE—Contn. Sheet

16

General and Revenue Secretariat. | File No. of 192 .

Serial No.

(a) Action is being taken on a resolution moved in the Legislative Council and accepted by Government. No such resolution has so far been moved by any member of the Representative Assembly.

(b) The Representative Assembly has the privilege of being consulted on all proposals for the levy of new taxes and also, except in cases of urgency, on the general principles of all measures of legislation within the cognisance of the Legislative Council. Subject to certain exceptions, it has the right of passing resolutions on matters relating to public administration and on the general principles and policy underlying the annual State Budget. It is only a consultative body and not a body constituted for the purpose of making laws and regulations.

(c) On the other hand, the Legislative Council is constituted for the sole purpose of making laws and regulations. It has also the power to vote on the State Budget. While resolutions adopted by the Council have effect only as recommendations, voting (or refusing) a grant has a binding effect on the Government and this can only be annulled by the power of restoration. Thus it will be seen that members of the Legislative Council possess wider powers and shoulder greater responsibilities.

(d) The practice of the swearing in by members seems to be prevalent only in legislative bodies.

Subd

3.11.27

NOTE—Contn. sheet.

Instructions to present Paper

WD 2293—GPB—10,000—4-5-27

D·1 | Rev

WD 01264—GPB—40,000—17-12-25
App. F. III—2]

General and Revenue Secretariat | File No. | of 192 . (15)

Serial No.

64) Draft D.O letter to the Secretary, Sri Mulam Popular Assembly posted for approval or other orders.

7.11.27

65) Secy (L. D) 7/11

d'o ...ed orders to issue the draft

7.11.27

D. O. letter no 1647 dated the 7th Nov 1927 to the Secretary, Sri Mulam Popular Assembly, Trivandrum.

Requests him to state if members of that Assembly are sworn in at the time of their first entry into the Assembly and if so, the form in which the oath is administered.

66) Submitted for perusal of the Dewan's orders (para. 58 & 59 supra) before the file is sent to the Chief Secy for being placed before the Council.

8.11.27

67) Secy (L. D) 8/11

68) 1st Member. 8/11

3677/8/11

69) 9/11 8/11 9.11.

70) Posted for being marked to the Confidential Branch for necessary action on the reference to the Dewan's orders contained in para. 58 of the notes.

9.11.27

71) Secy (L-D) 9.11

Chief Secy's Office Complex 9.11.

CHIEF SECRETARY'S 9 NOV. 1927

C. B Travancore for information 10/11

Letter no D. dis No 419/27 Regis dated 16th Nov 1927 from the Secretary, Sri Mulam Popular Assembly, Trivandrum conveying that the members of the Popular Assembly are not sworn in the time of taking their seats &

NOTE—Contn. Sheet

(18

(For Disposal at a Meeting)

No. C. 154

of 1927-28

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT

(clause XXVii of the schedule)

Question of oath of allegiance by the members of the Legislative Council and the Representative Assembly.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

10th November 1927.

Chief Secretary to Government.

First Member of Council. (Seen by the Member.)

2528/11/11 **Second Member of Council.** 12.11.27

4359/12/4 Third Member of Council. 17.11.27 (Please see note)

D2

Re: oath of Allegiance

(87)

[App. E. III—2;

General and Revenue Secretariat | File No. | of 193 C154.

Serial No

72) Seen. One point does not seem to have been considered, though my recollection is that it was referred to during the discussion in the L.C., and that is as regards the position of non-domiciled Europeans, who happen to be in the L.C. as officials or non officials. We have for instance English, ~~non~~ or Americans ~~officials~~ as official members & some L.C. as non-official members representing the K.P.A. mining Board of the Planters &c. Can they take this proposed oath of allegiance to H.H. the Maharaja without affecting their status as Englishmen or American subjects or if the latter will be affected in other way will it be affected. If it will be affected even temporarily will they agree to take such an oath or will it be appropriate for us to insist on their doing so under the penalty of giving up their seats. I should be glad to talk over this aspect of the matter with the Legal Secretary.

CSJ
17/11

73) Secy. L.C

mm
18/11

84
18/11

NOTE—Contn. Sheet

6 (20

C154

Subject. -

Question of oath of allegiance by the Members of the Legislative Council and the Representative Assembly.

.....

OPINION OF THE COUNCIL.

74) To consult the Chairman of the Legislative Assembly & remind him

3/12

L c with compliments

5/12

75) Keep

6/12

OFFICE OF THE SECRETARY
mr. P.S.R.
13 DEC 1927
REPR... ...ASSEMBLY
LEGISLATIVE COUNCIL

D.O. 2267 d. 14.12.27
To Mr. K.S. Chandrasekhara Aiya
Calls for his views.

D.O. d. 16.12.27.
From Mr. K.S. C. Aiya
Furnishes his views

(9)

General and Revenue Secretariat. | File No. | of 192 .

Serial No.

70

Chief Sec't
with Compts

8A
16/12

77) Subd. Mayhew concurred in Council

Resolution that

17/12

Members of Council

OFFICE OF THE THIRD MEMBER OF COUNCIL.
17 DEC. 1927
No. 5747

78) The wording suggested by Sir Chandra Sekhara Iyer seems to be quite suitable & may be adopted.

C8A
17/12/27

5001
19/12.

79) Please see A/ of Mr. Cleigan's letter. However the Govt is advised that from instructions given by them the adopted.

17/12

DC
19/12/27

(Also subs to 77 Members on revision forms &c.)

NOTE—Contn. sheet

9 C154 (92)

Subject. –

Question of oath of allegiance by the Members of the Legislative Council and the Representative Assembly.

OPINION OF THE COUNCIL.

Draft put up

81 Draft submitted
MM
27/1/28

82 Issued
MM
3/1/28.

To the Chief Judge
No. 3897 d. 4.1.28
Forwards two alternative forms of oath and requests him to favour Govt. with his views.

To Sir B.N. Seal
No. 3898 d. 4.1.28
Requests his views on the alternative form suggested by Mr. K.S. Chandrasekhara Aiyar.

10

1/Rec.

3018/28

App. F. III—2]

General and Revenue Secretariat. (B) File No. 171 of 1927

Serial No.

DEWAN'S OFFICE
Received on
7 - FEB. 1928
Roll No. Leg 24

From Mr. C S Doraswami Ayr, Chief Judge
D.O. 130 d. 7.1.28
Furnishes his views.

From Dr. Seal.
D.O. d. 25.1.28
Furnishes his views.

83) Draft to Sir C. Todhunter Submd. as directed.

84) Issue
25/1

(C&A 25/1/28)

CHIEF SECRETARY.
25 JAN. 1928

14

From Sir C. Todhunter,
D.O. No 213 d. 18th Feb. 1928.
Furnishes his views.

85) Chief Secy's orders —
"Register and submit with references quoted in last para".
(Sd) N. M.
2.2.28

86) Sir C. Todhunter refers to the opinion of eminent Counsel who were Consulted by the Haksar-Rushbrook Williams deputation. No papers are available on this subject here. The Dewan's Office may be requested to kindly put up the reference if availa

Subd.
(C&A 3/2/28)

87) D. L. with compliments

Fds. (B) 1.3.28
Dr
16

88) To Private Secy to the Dewan for favour of sending the papers referred to in the Secretariat Confl. sheet

CHIEF SECRETARY.
4 FEB. 1928

89) The reference required is not available. Regret

WD 9321—S.P.B.—60,000—24-5-27

General and Revenue Secretariat. | File No. of 192 .

Serial No.

DEWAN'S OFFICE
Received on
3 - MAR. 1928
Reg. No. 5466

92) The papers referred to in paragraph 89 above have not yet been received. For some which this may not be sent to the Dewan's Office for putting up the papers kindly.

93) Secy) 94) Yes 3/3

95) Private Secy to the Dewan with compts) Yes

96) These papers are not yet available for being sent as desired. They will be sent as soon as they are available.

97) Asst Secy, Protection with compts) Yes 3/3

98) Secy) Yes 3/3

99) Dewan 3/3

100) May not this be sent again to the Dewan's Office for putting up the papers referred to above?

I/c P.S.D. has already stated that the papers will be sent as soon as they are available.

Secy) 16/3

101) The Secy to Dewan with compts) 16/3

1) Send a reminder 16/3

NOTE—Contn. sheet.

WD 0321—GPB—60,000—24-5-27

C 2 7

C 154

Serial No.

There is a D.O. from the Dewan's Private Secy. to the Chief Secy. dt 18-3-28 in the file, which does not seem to have been replied to.

8R 15/5

* Appendix I

106) This file was received from Mr. Lakshmana Rao, p.c. to Law Secy.)

8/7/28

There are two printed pamphlets placed [in the file] and the question of allegiance to H.M. the King Emperor by the Subjects of the Indian States is referred to on page 13 of the smaller pamphlet, 'Joint Opinion'.

8R 15/5

105) The form now proposed is exactly similar to the one used in the address. This is simple, dignified & eminently suitable & may be adopted

Chief Secy with (sgd) S. 11/7/28.

106) May be dealt with by Circulation

Dewan) 13/7

107) 13-7-28

14/7

108) Send with a D.S. to Dewan through Law Secy

20/7

109) 24/7/28

CHIEF SECRETARY. 11 JULY 1928

DEWAN'S OFFICE. Received on 13. JUL. 1928 Reg No. 3411

DEWAN'S OFFICE. Received on 21. JUL. 1928 Reg. No. 503

WD 0321—GPB—60,000—25-5-27

(26

(For Disposal by Circulation)

No. C. 27

..... of 1928-9

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

Question of oath of allegiance by the members of the Legislative Council and the Representative Assembly.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

Chief *Secretary to Government.*

.....16th July.....1928.

~~Extraordinary Member of Council~~

385/17.7 First Member of Council. 17.7.28

5-81/17.7 Second Member of Council. 17/7

730/16/7 THIRD MEMBER OF COUNCIL. 17.7.28

WD 2670—GPB—1,000—11-5-17

A-3 N

19/7

(27)

Submitted to His Highness.

(1) These papers relate to the oath of allegiance by Members of the Legislative Council and Representative Assembly.

2. The following resolution was moved at the (2) session of the Legislative Council in February 1927 by Office Notes Mr. Ramachandra Rao Scindia:-

> "This Council recommends to the Government of His Highness the Maharaja that the rules framed under the Legislative Council Regulation be amended by providing for an oath of allegiance to our Sovereign being taken by all members of the Legislative Council on their first entry thereto."

(3) 3 The principle of the resolution was accepted and the form to be prescribed for the oath of allegiance has been under consideration.

(4) 4. After consulting Mr. K. S. Chandrasekhara Iyer, Mr. C. S. Doraswamy Iyer, Dr. Sir Brajendranath Seal and Sir Charles Todhunter, the Members of Council and myself are of opinion that the following form, which is an adaptation of the form now in use in the case of the Indian Legislative Assembly and the Madras Legislative Council, may be adopted:- M

> "I, ... having been
> elected / nominated
> a Member of this Council, do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Highness the Maharaja of Mysore, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter."

114 5. It is proposed to prescribe a similar oath to be taken by the Members of the Representative Assembly also. Although this House is only a consultative body, it is an integral part of the legislature and a uniform procedure is desirable.

115 6. The proposal for taking oaths of allegiance from the Members of the Legislative Council and the Representative Assembly and the form proposed for the purpose may be graciously approved. Necessary steps will be taken to amend the rules accordingly.

Mirza M. Ismail
Dewan

Bangalore,
26th July 1928.

(26)

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

116| Proposal to prescribe oath of allegiance for members of the Legislative Council and the Representative Assembly.

Order.

117| ~~KRW~~
28/7/28

119| C Secy
m—
28-7-28

new 30/7

(21)

(27)

General and Revenue
Secretariat

SUBJECT

Question of oath of allegiance by the members of the Legislative Council and Representative Assembly.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

By Order,

Chief Secretary to Government.

Through the Secretary to Government,

.....Department,

210/31.7

1031/31/7

1355/2/8

NOTE.—Contn. sheet.

[19] FIRST MEMBER OF COUNCIL. 31.7.25

[20] SECOND MEMBER OF COUNCIL.

[21] THIRD MEMBER OF COUNCIL. 3/8

[22] Secretary, L.C. & R.A., with compts. 3/8

Members P.S.R. & S.R.A. 8/8

8/8

1/Rel.

General and Revenue Secretariat. | File No. of 192 .

Serial No.

123) The three drafts put up sometime back are for consideration and they have been suitably revised wherever necessary. After approval they will be got typed and published.

7.8.28

124) The drafts in this file prepared some time ago relate to the taking of oath only by the members of the Legn. Council.

125) The necessary drafts will be prepared in the case of the R-As also.

for recn.

9/8

126) Draft III seems unnecessary.

127) The new rule can be brought into force without amending the Standing Orders. There is no immediate need for draft II. It may be considered along with the Rules Committee's proposals. The form of amendment suggested by the Rules Committee seems to be unobjectionable.

128) Draft I has been slightly revised. Rule 3 has been added in this draft, subject to approval

Secy) 10/8

129) Addition to draft 2 of seems desirable for it removes any doubt regarding the application of the new rules to cases of RAOLR.

B

Note—Contn. Sheet.

WD 01714—GPB—30,000—18-4-28

(32

1
Rel.

App. F. III—2]

General and Revenue Secretariat. | File No. | of 192 .

Serial No.

130) If it is the intention of Govt not to apply the new rule to the present members, para 3 in draft 20 has to be omitted.

Draft 20 3 seems unnecessary

Draft nos 1 + 2 may be approved

3rd Nov.

SR
14.8.28

1902/14/8

131) It is desirable to consult the views of the L.C. & the R.A. on the same. The necessary drafts for both the bodies may be put up

Kly
15.8.28

SR
15/8.

132) Please put up drafts for R.A. on the lines of drafts I + II.

(marked IV + V) are submitted for approval

Mr. S.N.A.
SR
16/8

SR
16/8

SR
17/8

(134) The procedure for amending standing orders of the R.A. is given on page 27 of Vol. II of the R.A. & L.C. Manual

SR
17/8

Secy)

Mr S.N.A.
SR
18/8

IV V

2076/2078

Nos 131 & 132 Drafts are submitted

3rd Nov.

SR
18/8

NOTE—Contn. Sheet.

General and Revenue Secretariat. | File No. of 192

Serial No.

~~Draft~~

136) There are 2 or 3 points to be settled:—

(a) Whether the present members have to take the oath. It seems desirable to do so, since any new members who may come in in case of vacancies will any how have to take the oath.

(b) whether the Dewan & Municipal Council have to take the oath. It seems unnecessary as they will have already taken the oath; besides they are neither elected nor nominated members & it is not such here the rule applies.

(c) The form of taking the oath when a Municipality newly constituted the oath will have to be taken of all the members present at the first day of the meeting before the commencement of the business in the presence of the President. (or the ~~Vice President~~ Vice-President)

~~& in the absence of the President the oath may be administered in the presence of the~~ ~~Nearest Ex-officio Member (in the case of the V.C.) or of a Vice-President in the case of the R.C.~~

137) After the first swearing in, the oath may be

NOTE—Contn. Sheet.

WD 01714—GPB—30,000—13-4-28

General and Revenue Secretariat. | File No. | of 192

Serial No.

DEWAN'S OFFICE.
Received on
23 AUG. 1928
Reg. No. 1124.

taken of any member who has not previously done so at the beginning of the day, or at any other suitable time but not so as to interrupt any debate or business before the House. (This is the procedure in the House of Commons).

138) It appears to be sufficient to send the 2 rept. of Mrs. Ajo & amendments thereto as appendix only necessary.
Please submit to Dewan.
by
22/8/28

139) Dewan.
8-1
22/8

140) Ret. & put up after one return from Mysore
22/8

10-10-28
8-1
14-10-28

141) Submitted as directed.
8R
5/11

142) Dewan)
5/11

143) Mahazar of H.H. to issue after obtg his approval.
12/12/28
8-1
12/12

144

Mrs B, 10.11.28
Mr. S.M.A
& Mr. B.V.N.
8R
15/10

DEWAN'S OFFICE.
6 NOV. 1928
No. 2125

NOTE.—Contn. sheet

Mr BVN 8R 12/12

WD 0321—GPB—60,300—24-5-27

Rel 1. 32 (35

App. F. III—2]

General and Revenue Secretariat. | File No. of 192 .

Serial No.

145) Submd. with a D. S. N.

22/12

146) * The third para is omitted as per orders of the Dewan on the rough draft.

147) 3rd Member) 22/12

148) [illegible]

149) Dewan)

Annexure II page 2

5819/22/12

NOTE.—Contn. sheet

(36)

Submitted to His Highness.

(37) With reference to paragraph 6 of my Submission Note dated 26th July 1928, I beg to submit herewith for His Highness' gracious approval two drafts embodying the necessary rules to be issued for giving effect to the decision to prescribe an oath of allegiance for the members of the Representative Assembly and the Legislative Council.

Mirza M. Ismail

Bangalore,)
27th December 1928.)

DEWAN.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

151)

Drafts embodying the necessary rules to prescribe an oath of allegiance for the members of the Representative Assembly and the Legislative Council.

Order.

31/12/28

153) C Secy
M
3-1-29

General and Revenue Secretariat. R. 4 File No. 26 of 1928.

Serial No.

154) For orders as to whether the two drafts were ever issued -

155) Secy)

156) 24 8/1/29. May Issues Now 8/1 24 8/1

1

To

The Compiler, Mysore Gazette.

No. Rel. 193/R A. 26-28-1 Dt 9.1.1929

Prescribes rules re - oath of allegiance by the members of the Representative Assembly and forwards a notification in respect of the same for publication in the Gazette.

Copy to the Secy. Representative Assembly

Please keep a copy of the notification regarding oath by members of the Ass., and "B".

23/1 Copy sent up.

28/1/29

B

Prepare for 10/1

BR 10/1

Mr. P. J. R Please see if any action has yet to be taken. If not the file may be returned

BR 28/1

Before action & be returned

28/1

NOTE—Contn. Sheet.

WD 0171—GPB—30,000—18-4-28

G.R.S. III—31

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Appendix I

LAKE VIEW,
MYSORE.

18. 3. 28

Dear Mr Madhava Rao,

Would you kindly let me know if you or Mr Ranga Rao letter to have the opinion of the Counsel who was consulted by Mr Hassan-Rushbrook. Williams deputation? The

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

I 3 drafts (1

Notification.

In exercise of the powers vested in them under Section 6 (2) (e) of the Mysore Legislative Council Regulation, XIX of 1923, the Govt. of His Highness the Maharaja are pleased to make the following rules:

Appendix II

1. "Every person who is elected or nominated to be a member of the Council shall, before taking his seat, make at a meeting of the Council, an oath or affirmation of his allegiance to His Highness the Maharaja of Mysore, in the following form, viz., namely:—

"I, A.B. having been elected/nominated a member of this Council do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Highness the Maharaja of Mysore, his heirs and succes-sors and that I will faithfully discharge the duty upon which I am about to enter."

2. If any person having been elected or nominated fails to make the oath or affirmation prescribed by Rule (1) within such time as the Govt. of H.H. the Maharaja of Mysore consider reasonable, the -

Government

Government shall by Notification in the official Gazette declare his seat to be vacant and,

3. When any such declaration is made, the Govt. shall, by Notification as aforesaid, call upon the constituency concerned to elect another person to fill up the vacancy within such time as may be prescribed by ~~the~~ such Notification or shall nominate another person as the case may be.

3. The foregoing Rules shall apply also to the members of the present Council who have already taken their seats and such members shall make the prescribed oath or affirmation at the next meeting of the Council which they attend.

By Order,

RB
23/9

Secretary to Govt., Law Dept.

21/9/27

To

The Compiler, Mysore Gazette for publication in the Gazette with a request to supply 250 spare copies to this office.

7.8.28

NLA

Camp Mysore, 18th June 1927.

R0 4044/GB. 171-27-1

Dear Sir,

I shall be obliged if you can kindly send for reference a copy of the Form prescribed for taking the oath of allegiance from Members of the Madras Legislative Council.

Yours sincerely,

Rao Bahadur
R.V.Krishna Ayyar, Esq.,
Secretary, Madras Legislative Council.

GENERAL AND REVENUE SECRETARIAT.

Camp Mysore, ~~Bangalore,~~ 18th June 1927.

D.O. No. 4044/CS. 171-27-

Dear Sir,

I shall be obliged if you can kindly send for reference a copy of the Form prescribed for taking the oath of allegiance from Members of the Madras Legislative Council.

Yours sincerely,

C.B. 584 21/6/27

Encl no 2128/22-1CA 20.6.27

CS 171-27-2

Chief Secretary to Govt.

A copy of the form you desire is sent herewith.

R.V.Krishnan 20/6/27

C.B. 21/6

CB 21/6/27

Rao Bahadur

R.V.Krishna Ayyar, Esq.,

Secretary, Madras Legislative Council.

(3

!Law Dept. III-12–216—20-11-23.

having been $\frac{\text{elected}}{\text{nominated}}$ a member of this Council, do solemnly swear (*or* affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

APP. F. VI. Gl.

(4

SUBJECT.....

.....

.....

Section C1.

File No. 171-27

D.D. No. 37/ Incl one file

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To

....

Dear Sir,

In forwarding herewith this file of papers relating to the form of oath of allegiance to be administered to the members of the Legislative Council on their taking their seats on the Council for the first time, I am desired to request you to kindly favour me with your opinion in the matter.

Yours Sincerely

Date of issue 11-7-27

Signed by MW D-N.

Draft D.O. letter to Sir Brajendranath Seal submd for approval or other orders

DD 9/7

8.7.27 Secy

List of enclosures.....

Copied by.....

Examined by.....

Rajatantradhurina

Sir B. Brajendranath Seal, Kt.

over

Vice Chancellor

WD 0562—GPB—31,000—17-8-25

Impose Univers

Impose

8.7.27

UNIVERSITY OF MYSORE

15

RAJATANTRAPRAVINA
DR. B. N. SEAL,
Vice-Chancellor.

Granite Castle, Bangalore.

Dated the 19th July 1927.

D.O.

CS 171-27-4

Dear Sir,

Re your letter No.37 dated the 11th July 1927.

Herewith I enclose a brief Note on the question of the oath of allegiance.

Yours sincerely,

vide page 8 of Note

B.Nagappa, Esq., Bar-at-Law,
Secretary to Government,
Legislative Department,
Bangalore.

Bombay form

16

I, A. B., having been elected / nominated an Additional Member of the Legislative Council of the Governor of Bombay, do solemnly swear (or affirm) that I will bear true allegiance to His Majesty the King, Emperor of India, His heirs and successors and that I will faithfully discharge the duty of the office upon which I am about to enter.

(7

SUBJECT.....

.....

.....

Section C/S.

File No. 171-27

Serial No. 5

Diary No. of letter replied to.....

No. 1647

To

The Secretary.....

Sri Mulum Popular Assembly

Trivandrum.

General and Revenue Secretariat

( )

the *192*

Date of issue 7. 11. 27.

Signed by Mr. B. Nagappa

Dear Sir,

I shall feel obliged if you will please let me know whether the members of the Assembly are sworn in ~~before they take their seats in the Assembly~~ at the time of their first entry into the Assembly and ~~also~~ if so, the form in which the oath is administered.

Thanking you in anticipation

Yours Sincerely.

List of enclosures.....

Copied by.....

Examined by.....

7/11

over B#

Ex officio Secretary,
Representative Assembly

WD 01265—GPB—31,000—24-12-25

(8

D.Dis.No. 419/27
Legislative.

GOVERNMENT OF TRAVANCORE

OFFICE OF THE SECRETARY
D. 496
19 NOV 1927
Trivandrum
REPRESENTATIVE ASSEMBLY
LEGISLATIVE COUNCIL

16th November 1927.

C.S. 171-27-6

Dear Sir,

With reference to your D.O. No.1647, dated the 7th November 1927, I write to inform you that unlike the members of the Legislative Council, the members of the Sri Mulam Popular Assembly are not sworn before taking their seats in the Assembly.

Yours sincerely,

K. Sreekanda Pillai

To

The Secretary,
Representative Assembly,
Bangalore.

[P. F. VI. Gl]

(9

SUBJECT.....

.....

.....

.....

Section C.A

File No. 171-27

Serial No. 7

D.O No. 2267/R.A

Encls. one linked file

(For details please see the Regr)

To .....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 192

Date of issue 14.12.27

Signed by Mr. B. Nagappa Aiyar

Draft D.O. letter to Mr. K.S. Chandrasekhara Aiyar submd for approval or other orders.

13/12

13/12/27

Secy)

13/12

app

13/12

Issue under Secy's sig

14/12

List of enclosures.....

Copied by .....

Examined by .....

Dear Sir,

I am directed to forward herewith this office file of papers relating to the form of oath of allegiance to be administered to the members of the B.L. & R.A on their taking their seats in the Council and Assembly for the first time, and I am directed to request you to kindly favour me with your views and opinion in the matter.

Yours Sincerely

Rajadhanapravina Diwan Bahadur

K.S. Chandrasekhara Aiyar B.A.B.L.

Retd Chief Judge

Chamarajpet

13/12

WD 0325—GPB—33,000—26-5-27

Confidential

Ref. 120

"Chandrachhaya," Bangalore City,
14th December 1927.

OFFICE OF THE SECRETARY
16 DEC 1927
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

CB 171-7-8

Dear Mr.Nagappa,

Your D.O.No. 1267 dated 14th inst.

I must begin by saying frankly that in my opinion an oath of allegiance is a somewhat needless and antiquated formality. No decent, patriotic citizen of the type likely to be elected by the people or nominated by the Government for a place on the legislature is likely to require the sanction of any form of words to ensure his loyalty. Nor, on the other hand, is a person who seriously contemplates treason or disloyalty likely to be dissuaded from such crime by any such a circumstance.

However, assuming that an oath is considered expedient, the form suggested in the office draft seems suitable enough. But in order to keep clear of legal and historical associations and difficulties which may attach to the term "allegiance," especially in the case of foreigners and others who may own subjection to another State, the wording may perhaps be altered somewhat as follows:

"I, A.B., having been elected / nominated a member of this Council, do solemnly swear (or affirm) that I will be true and faithful to His Highness the Maharaja of Mysore, his heirs and his successors, abstain from knowing or wilful disobedience to the laws of the Mysore State, and discharge earnestly and to the best of my power the duty upon which I am about to enter."

The above form will probably be found to cover all that it is desired to ensure.

The file of papers is returned.

Yours sincerely

M Chandrachhaya

Retired Chief Judge of
Mysore.

D.O. 3892/CS. Dt 4/A/28

Dear Mr. Doraswami Iyer,

I am desired to state that the following resolution was moved by the Legislative Council in February 1927:-

" This Council recommends to the Govt. of His Highness the Maharaja that the rules framed under the Legislative Council Regulation be amended by providing for an oath of allegiance to our Sovereign being taken by all members of the Legislative Council on their first entry thereto."

I am to request you to kindly favour Govt. with your opinion in the matter.

In case you consider that it is necessary that oath of allegiance should be taken by the Members of the Legislative Council and the Representative Assembly, a suitable form may kindly be suggested.

In this connection, two alternative forms of oath (or affirmation) have been suggested to Govt (vide margin) and I am to request that you will be good enough to favour Govt with your views on the subject.

Yours sincerely,

Chief Secretary.

C.S.Doraswami Iyer, Esqr., B.A., B.L.,
Chief Judge, Chief Court of Mysore.

MRN.

(12

D°. 3897
CS 171-3-9

4th January 1928

Dear Mr. Doraswami Iyer,

I am desired to state that the following resolution was moved by the Legislative Council in February 1927:--

> "This Council recommends to the Govt. of His Highness the Maharaja that the rules framed under the Legislative Council Regulation be amended by providing for an oath of allegiance to our Sovereign being taken by all members of the Legislative Council on their first entry thereto."

In this connection, two alternative forms of oath (or affirmation) have been suggested to Government (vide margin) and I am to request that you will be so good as to favour Govt. with your views on the subject.

(1) "I, A.B., having been elected / nominated a member of this Council do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Highness the Maharaja of Mysore, his heirs and successors and that I will faithfully discharge the duty upon which I am about to enter."

(2) "I, A.B., having been elected / nominated a member of this Council, do solemnly swear (or affirm) that I will be true and faithful to His Highness the Manaraja of Mysore, his heirs and his successors, abstain from knowing or wilful disobedience to the laws of the Mysore State, and discharge earnestly and to the best of my power the duty upon which I am about to enter."

Yours sincerely,

C. S. Doraswami Iyer, Esqr., B.A., B.L.,
Chief Judge, Chief Court of Mysore.

Dr. 3898/Leg I Dy 4/11/28
CS 171-27-10.

(13)

ISSUED.

Dear Dr. Seal,

I am desired to invite kind reference to your note dated 19th July 1927 on the subject of 'Oath of Allegiance' to our Sovereign by ~~said~~ members of the Legislative Council and the Representative Assembly (copy attached for ready reference)

Mr. K.S.Chandrasekhara Aiyar who was consulted in the matter has suggested the following form:-

" I, A.B., having been elected / nominated a member of this Council, do solemnly swear (or affirm) that I will be true and faithful to His Highness the Maharaja of Mysore, his heirs and his successors, abstain from knowing or wilful disobedience to the laws of the Mysore State, and discharge earnestly and to the best of my power the duty upon which I am about to enter."

Government will be glad to be favoured with your views on the form suggested by Mr.Chandrasekhara Aiyar.

Yours sincerely,

Chief Secretary.

Rajatantrapravina
Dr.Sir Brajendranath Seal, Kt.,
M.A.,Ph.D, D.Sc.,
Vice-Chancellor, Mysore University.

MRN.

ISSUED

(12

D.O. 3897
CS 171-2-9

4th January 1928.

Dear Mr. Doraswami Iyer,

I am desired to state that the following resolution was moved by the Legislative Council in February 1927:--

> "This Council recommends to the Govt. of His Highness the Maharaja that the rules framed under the Legislative Council Regulation be amended by providing for an oath of allegiance to our Sovereign being taken by all members of the Legislative Council on their first entry thereto."

In this connection, two alternative forms of oath (or affirmation) have been suggested to Government (vide margin) and I am to request that you will be so good as to favour Govt with your views on the subject.

(1) "I, A.B., having been elected / nominated a member of this Council do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Highness the Maharaja of Mysore, his heirs and successors and that I will faithfully discharge the duty upon which I am about to enter."

(2) "I, A.B., having been elected / nominated a member of this Council, do solemnly swear (or affirm) that I will be true and faithful to His Highness the Maharaja of Mysore, his heirs and his successors, abstain from knowing or wilful disobedience to the laws of the Mysore State, and discharge earnestly and to the best of my power the duty upon which I am about to enter."

Yours sincerely,

C. S. Doraswami Iyer, Esqr., B.A., B.L.,
Chief Judge, Chief Court of Mysore.

Copy of Dr. Sir Brajendranath Seal's Note dated 19th July 1927 on the subject of 'Oath of Allegiance' to our Sovereign by members of the Legislative Council

.....

I. An oath of allegiance to the sovereign on the part of a member of the Legislature is based on the relation of the sovereign to the law-making power, and is also a token of this sovereign status. And this holds good in all forms of Polity, these latter differing only as regards the organ of the sovereign power. The historic origin of this oath need not detain me here, I am now speaking only of its constitutional import.

Two other considerations support this practice of administering an oath :--

(1) the privileges and immunities enjoyed by members of a Legislature in constitutional governments throw upon such members an added responsibility over and above that attaching to the ordinary civic status, and this is secured by the oath of allegiance.

(2) where there is this specific oath of allegiance, treason or lese majestas, in the case of a member of a legislative body, acquires the odium that is attached to a violation of the moral law. The legal sanction is thus reinforced by a primary moral sanction.

It will be seen that considerations similar to (1) and (2) apply, in the juridial sphere, to the oath administered to a witness in a court of law.

II. The question in this particular reference does not seem to be complicated by any ulterior considerations, as it relates only to internal sovereignity, and as the legislative body concerned is

15)

concerned is confined in its scope to matters pertaining to internal legislation.

III. The form of the oath as suggested appears to me to be unobjectionable.

(Signed) B. N. Seal.

- - - -

(Here entered the form).

D.O. ಡಿ ಸಂ. ನಂ. 130 29-8

CHIEF COURT
OF MYSORE,
BANGALORE.

7th January 1928.

Dear Mr. Madhava Rao,

With reference to your D.O. letter No.3897/C.B. dated the 4th January 1928, re: the form of oath to be prescribed for members of the Legislative Council, I am of opinion that the first alternative suggested to Government, which closely follows the form prescribed in British India for members of the Council of State and Provincial Legislative Councils, is preferable to the second alternative. Moreover it is fuller than the form prescribed in England for members of Parliament which is merely an oath of allegiance, whereas this form comprises both allegiance and the faithful discharge of the members' duties.

Yours Sincerely,

Ramaswamy Iyer

N. Madhava Rao, Esq., B.A., B.L.,
Chief Secretary to Government,
Bangalore.

RAJATANTRAPRAVINA
DR. B. N. SEAL,
Vice-Chancellor,
THE UNIVERSITY OF MYSORE.

UNIVERSITY OF MYSORE

CONFIDENTIAL

Granite Castle, Bangalore.
MYSORE
(SOUTHERN INDIA)

Dated the 25th January 192 8

D.O.

Dear Sir,

In reply to your D.O.No.3898/C.B. dated the 4th January 1928, I have much pleasure in sending the following brief note :--

The points that are for consideration are :--

(1) whether the words, 'so help me God' should be added, as is done in some places to secure the religious sanction.

My view is that this is unnecessary in our existing conditions.

(2) The question of 'swearing' :

'Swearing' is the usual form for an oath, but for those who object to 'swearing', an affirmation or declaration (in lieu of an oath) is substituted -- which may be in any of the following forms :--

I do solemnly, sincerely and truly declare and affirm (Australia, England)

or

I do solemnly affirm (U.S.A.)

or

I do sincerely promise and affirm.

(18)

Here in Mysore, I think it will do if we provide alternative forms; as in U.S.A. :--

I do solemnly swear (for those who will take the oath)

and

I do solemnly affirm (for those who will make the affirmation).

(3) Whether, besides allegiance to the Ruler, there should be a declaration of allegiance to the Constitution of the State.

In this connection it may be noted that the form prescribed in U.S.A. contains the following :--

"I will support the Constitution ..... I will bear faith and allegiance to the same"

In the Irish Free State, the oath begins :

I do solemnly swear true faith and allegiance to the constitution of the Irish State as by law established, and that I will be faithful to His Majesty,,.....

Mr. K.S.Chandrasekhara Iyer's form goes beyond all this in adding :

"abstain from knowing and wilful disobedience to the laws of the Mysore State" .....

I am personally of opinion that this constitutes a material extension which does not come within the legitimat

scope of an oath (or affirmation) of allegiance to the Sovereign.

On the other hand, the declaration of allegiance to the constitution may be judged to be proper and pertinent to such an oath (or declaration). On this view, the form may run thus :--

> " I do solemnly swear (or affirm) that I will be true and faithful to His Highness the Maharaja of Mysore, his heirs and successors, and bear true allegiance to the Constitution of the Mysore State, and that I will faithfully discharge the duty upon which I am about to enter."

Yours sincerely,

N.Madhava Rao, Esq., B.A.,B.L.,
Chief Secretary to Government,
Bangalore.

(20

42357 C/S 171-27-13.

Dy 26/1/28

Dear Sir Charles Todhunter,

In forwarding the accompanying file of papers on the subject of prescribing an oath of allegiance to be ~~being~~ taken by the Members of the Mysore Legislative Council, I am desired to state as follows:--

The question of providing for such an oath was urged on the attention of Government in ~~the shape of~~ a Resolution moved at the Session of the Legislative Council in February 1927, ~~which was~~ and accepted by Government.

It is seen that several alternative forms have been suggested for adoption in this connection and divergent views expressed.

Government will be glad to be favoured with your suggestions in the matter.

Yours sincerely,

Secy

To

Sir Charles Todhunter, K.C.S.I.,

Private Secretary to H. H.
the Maharaja of Myso

SB-3018

(21

D.O.213/One file

Regd. for 4 subsequent letters upto Jan. 28 Jan 2/2

"PARK HOUSE",
Mysore, February 1st, 1928.

SB 171-27-4

Dear Mr. Madhava Rao,

In answer to your letter No.4235/C.B.171-27-13, dated the 26th January 1928, I write to say that in my opinion the taking of an oath or affirmation on the part of a member of a legislative body is extremely desirable, and further should be invested with as much solemnity as is possible in the circumstances.

We are anxious that non-officials who take a part in the work of government should realise their position as co-operators rather than as critics, and one very important way to secure this is, I think, to insist on the fact that enrolment is a privilege which has its obligations as well as its rights. I have always regretted in Madras to see that how very little stress is laid on the responses of the graduates at Convocation to the Chancellor's questions as to whether they promise to conduct themselves as becomes members of the University, to promote the cause of morality and sound learning to uphold and advance the social order and the well-being of their fellow-men, and so forth, which is the obligation laid upon them in return for their enrolment as graduate members of the University. Similarly with members of the bar, who by their enrolment become officers of the Court, a position which many of them do not realise at all. And similarly again with members of the legislature, who undertake directly and indirectly to do a number of duties towards their fellow citizens which a good many of them, I am afraid, do not perform.

That these undertakings, when properly insisted upon, have a moral force will, I think, be clear from the contempt in which the Irish Republicans are held even by people of their own persuasion after taking an oath which they have no intention of fulfilling.

As regards the form of oath, the form in use in the British Indian Legislatures seems to me to comply with the requirements of the case in that it is short, clear and dignified.

The question has been raised whether a subject of another sovereign can swear allegiance to His Highness the Maharaja. Allegiance is defined as duties owing to a sovereign by his people. On this basis, I think personally that there need be no difficulty. A subject of King George has his duties to perform to King George as head of the British Government, but these should in no way prevent his performing his duty to His Highness the Maharaja when he lives under his dominion. The question, however, is rather one for the lawyers. You will find the converse case touched on in the opinion of the eminent counsel who were consulted by the Haksar-Rushbrook Williams deputation.

Yours sincerely,

Two drafts

~~Office of the Ex-officio Secretary,~~

~~R. A. & L. C.~~ (23

RA 26-28-1

No. Rel. 193

NOTIFICATION. 29-1-1928

In exercise of the powers vested in them under Section 6 (2) (e) of the Mysore Representative Assembly Regulation XVIII of 1923, the Government of His Highness the Maharaja are pleased to make the following rules:-

1. Every person who is elected or nominated to be a member of the Mysore Representative Assembly shall, before taking his seat, make at a meeting of the Representative Assembly an oath or affirmation of his allegiance to His Highness the Maharaja of Mysore, in the following form, namely :-

"I .....having been elected / nominated a member of this Assembly do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Highness the Maharaja of Mysore, His heirs and successors and that I will faithfully discharge the duty upon which I am about to enter".

2. If any person having been elected or nominated fails to make the oath or affirmation prescribed by Rule 1 within such time as the Government of His Highness the Maharaja consider reasonable, the Government shall by Notification in the official Gazette declare his seat to be vacant and call upon the constituency concerned to elect another person to fill up the

P.T.O.

(21)

the vacancy within such time as may be prescribed by such notification or shall nominate another person as the case may be.

By Order,

Secretary to Govt.
Law Department.

To the compiler, Assam Gazette, for publication in the Gazette, with a request to supply 250 spare copies to this office.

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LAW SECRETARIAT.

No. Rel. 193—*R. A.* 26-28-1, *dated* 8—*9th January* 1929.

In exercise of the powers vested in them under section 6(2) (e) of the Mysore Representative Assembly Regulation, XVIII of 1923, the Government of His Highness the Maharaja are pleased to make the following rules:—

1. Every person who is elected or nominated to be a member of the Mysore Representative Assembly shall, before taking his seat, make at a meeting of the Representative Assembly an oath or affirmation of his allegiance to His Highness the Maharaja of Mysore, in the following form, *viz.*,

"I..... having been $\frac{\text{elected}}{\text{nominated}}$ a member of this Assembly do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Highness the Maharaja of Mysore, His heirs and successors and that I will faithfully discharge the duty upon which I am about to enter".

2. If any person having been elected or nominated fails to make the oath or affirmation prescribed by Rule 1, within such time as the Government of His Highness the Maharaja consider reasonable, the Government shall by Notification in the official Gazette, declare his seat to be vacant and call upon the constituency concerned to elect another person to fill up the vacancy within such time as may be prescribed by such notification or shall nominate another person as the case may be.

By Order,

P. MAHADEVAYYA,

Secretary to Government,

Law Department.

Notes — 38 (Thirty Eight)
Appendix I — 3 (Three)
" II — 2 (Two)
Correspondence — 25 (Twenty five)